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WILLIAM A. COATES, 4TH DISTRICT  
CHAIRMAN  
PAULA H. BETHEA, 1ST DISTRICT  
SUE C. ERWIN, 2ND DISTRICT



COMMISSIONERS  
REV. DAVID L. TERRY, 3RD DISTRICT  
VICE CHAIRMAN  
RANDOLPH MARSHALL TALLEY, 5TH DISTRICT  
FREDERICK A. HOEFER, II, 6TH DISTRICT  
CYNTHIA GRAHAM HOWE, MEMBER AT LARGE

# State of South Carolina

## State Ethics Commission

GARY R. BAKER  
EXECUTIVE DIRECTOR

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STATE DOCUMENTS

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DECEMBER 1992 - JANUARY 1993

NEWSLETTER

93-003

### OFFICERS ELECTED

William A Coates was recently re-elected Chairman of the Commission. He has served with the Commission since 1988.

The Commission elected Rev. David Terry to serve as Vice-Chairman. He was appointed to the Commission by Governor Campbell in 1989.

### COMMISSION MEETINGS

February 17 - 9:30 a.m.  
March 17 - TBA

### TRAINING SESSIONS

February 26 - 9:00 a.m.  
March 9 - 9:00 a.m.  
March 23 - 9:00 a.m.

Please call Terri Connor at 253-4192 to reserve a slot during one of the Training Sessions.

### EMPLOYMENT RESTRICTIONS UPON LEAVING PUBLIC SERVICE

For a period of one year after leaving public service or employment, public officials, members and employees may not serve as a lobbyist or represent clients before their former agency on specific matters with which they directly and substantially participated. In accordance with this rule, the State Ethics Commission recently advised that a retired state employee is not prohibited from

establishing himself as a free lance consultant; however, for twelve months from the date of leaving public service, the retired state employee may neither lobby his former agency nor represent clients before that agency on specific cases on which he directly and substantially participated during his public employment.

The Ethics Reform Act also prohibits the "revolving door" situation when a regulator leaves public service and accepts employment with a regulated entity on matters in which he directly and substantially participated during his tenure as a government regulator. Accordingly, the Act appears to focus more upon the subject matter involved rather than the state agency. For this reason, the Commission recently advised that a DHEC pharmacist who enforces various state drug laws is not prohibited from seeking employment with a private pharmacy unless the employment involves a specific regulatory matter with which the employee was directly and substantially involved.

### ADVISORY OPINIONS

SEC A092-207

December 16, 1992

### EFFECT OF SECTION 8-13-740

A member of a city board or individuals or businesses with which that member is associated may not represent, as defined in Section 8-13-100(28), persons before any city agency or unit.



SEC A093-045            December 16, 1992

APPLICABILITY OF ETHICS REFORM ACT TO  
VOLUNTEER FIREMEN

The Ethics Reform Act's rules of conduct provisions would not generally apply to volunteer firemen serving on the Leesville Volunteer Fire Department.

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SEC A093-046            December 16, 1992

PRESIDENT OF COLUMBIA HISTORIC FOUNDATION  
SERVING ON COUNTY HISTORIC PRESERVATION  
COMMISSION

The President of the Historic Columbia Foundation would not be prohibited from serving on the Richland County Historic Preservation Commission; however, he would be required to follow the disclosure and disqualification procedures of Section 8-13-700(B) on matters affecting the economic interests of the Historic Columbia Foundation.

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SEC A093-047            December 16, 1992

PUBLIC MEMBER ASSOCIATED WITH BUSINESS  
REPRESENTING CLIENTS BEFORE TOWN BOARDS

A third party, i.e., an attorney, may represent the business with which a public member is associated before town agencies, without violating Section 8-13-740.

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SEC A093-048            December 16, 1992

CITY ATTORNEY'S FIRM DOING LEGAL WORK FOR  
THE CITY

A City Attorney is advised not to utilize his official position to obtain business for his firm. Any additional legal advice rendered by his law firm or himself beyond that for which he is compensated should be approved in advance by the appropriate City official.

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SEC A093-049            December 16, 1992

TOWN COUNCIL MEMBER'S PARTICIPATION IN  
SOLID WASTE AGREEMENT WITH COUNTY

A County employee who also serves on Town Council may vote on a solid waste agreement in which the Town agrees to cooperate with the County on the establishment of a Recycling Program.

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SEC A093-050            December 16, 1992

APPLICABILITY OF ETHICS REFORM ACT TO AN  
INCORPORATION REFERENDUM

The prohibitions of Sections 8-13-765 and 8-13-1346 against using "government personnel, equipment, materials, or an office building in an election campaign" and against using or authorizing "use of public funds, property, or time to influence the outcome of an election" do not apply to referenda, propositions, or other measures submitted to voters for their approval.

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SEC A093-051            December 16, 1992

DISCLOSURE OF ECONOMIC INTERESTS

Section 8-13-1120 does not require the disclosure on the Statement of Economic Interests of information concerning the payment of a spouse's transportation expenses by a private, nonprofit foundation which neither contracts nor seeks to contract with the governmental entity with which the reporting spouse is associated.

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SEC A093-052            December 16, 1992

ELECTION CYCLE CONTRIBUTION LIMITS

A person may contribute \$1,000 to a candidate for local office who is opposed in a primary election. A person may contribute another \$1,000 during the general election, even if there is no general election opposition. If a candidate has only general election opposition, a maximum of \$1,000 may be contributed.

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SEC A093-053

December 16, 1992

PAYMENT OF EXPENSES BY FEDERAL GOVERNMENT,  
REGIONAL OR NATIONAL ORGANIZATIONS

State employees who perform special services for the federal government, regional and national organizations may have travel expenses paid by such organizations, provided such travel is in accordance with state travel policies and procedures.

SEC A093-054

December 16, 1992

SERVICE PROVIDER SERVING ON CITY COUNCIL  
AND REGIONAL COG

A public official who is authorized to perform an official function regarding a contract as defined in Section 8-13-775 would be prohibited from bidding on and performing such contract unless the contract is awarded in accordance with the Consolidated Procurement Code. Absent this official function, a city council member's firm would be permitted to bid on and perform such contract, provided the procedures of Section 8-13-700(B) are followed.

SEC A093-055

December 16, 1992

LIMITATIONS UPON INDIVIDUALS AND BUSINESSES  
THAT ARE ASSOCIATED WITH A PUBLIC MEMBER  
OCCUPYING STATEWIDE OFFICE

Individuals and businesses that are associated with a public member occupying statewide office are not necessarily prohibited from representing clients before any level of the governmental entity with which the public member is associated, only those for which the public member has official responsibility as defined in Section 8-13-100(23).

SEC A093-056

December 16, 1992

ETV COMMISSION MEMBER INVESTING IN WIRELESS  
CABLE COMPANY

An ETV Commission member is not prohibited from investing in a company which may negotiate with the Commission, provided that, in accordance with Section 8-13-775, he is not authorized to perform an official function regarding the contract. Also, the member is advised of the provisions of Section 8-13-700(B) concerning recusal when required to take official actions which affect the economic interests of the company.

SEC A093-057

December 16, 1992

DEPUTY CORONER CONTRACTING TO  
PROVIDE TRANSPORTATION SERVICE

A Deputy Coroner would not be prohibited from contracting with the Coroner's Office to provide transportation for deceased bodies since he is not authorized to perform an official function regarding such contract. However, the Deputy Coroner is advised not to utilize his official position to obtain an economic interest with respect to the transportation of deceased bodies. Therefore, in accordance with Section 8-13-700(B), the Deputy Coroner should abstain from participating in any official action or decision which affects either the contract or his economic interests therein.

SEC A093-058

December 16, 1992

PUBLIC EMPLOYEES AS EXPERT WITNESSES

Section 8-13-740(A)(6) prohibits representation of clients, not appearances as an expert witness. There does not appear to be any prohibition against faculty members appearing as expert witnesses when such appearances are on the faculty members own time. Faculty members would not be prohibited from accepting expert witness fees for providing expert testimony at a rate or price fixing matter.

SEC A093-059

January 20, 1993

RECORD-KEEPING AND DISCLOSURE REQUIREMENTS  
OF COUNTY POLITICAL PARTIES

The Ethics Reform Act does not require County political parties to keep records or disclose contributions specifically solicited for non-campaign related expenses, provided such funds are maintained in an account separate from the campaign account and are not used to support candidates.

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SEC A093-060                      January 20, 1993

OFF-DUTY EMPLOYMENT OF SOUTH CAROLINA ETV  
EMPLOYEE

A regional ETV station manager would not be prohibited from off-duty employment with a family-owned computer graphics and animation business, provided such work is consistent with the off-duty employment guidelines.

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SEC A093-061                      January 20, 1993

FORMER PUBLIC OFFICIAL'S USE OF CAMPAIGN  
FUNDS TO PAY LEGAL EXPENSES INCURRED  
DEFENDING LAW SUIT RELATIVE TO OFFICIAL  
ACTIONS WHILE IN OFFICE

A former county council member may use her excess campaign funds to defray legal expenses stemming from the defense of a law suit directly related to her official vote on a county reapportionment plan. The former council member may also deposit

unsolicited contributions for her legal defense into her campaign account and report them on her Disclosure Form.

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SEC A093-062                      January 20, 1993

LOCAL HOUSING AUTHORITY BOARD MEMBER'S  
EMPLOYER DOING BUSINESS WITH THE BOARD

A bank employee may serve as a member of a local Housing Authority Board that maintains a banking relationship with the board member's employer, provided the member complies with the provisions of Section 8-13-700(B) on matters affecting his employer's economic interests. Pursuant to Section 8-13-775, the board member may not have an economic interest in a contract between the Board and the bank with which he is employed if he is authorized to perform an official function relating to the contract.

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SEC A093-063                      January 20, 1993

DHEC BOARD MEMBER CONTRACTING WITH COUNTY  
HEALTH DEPARTMENT

A DHEC Board Member is not prohibited from entering into a contract for the provision of medical services with a county health department, provided that the member is not authorized to perform an official function regarding the contract and that he complies with the requirements of Section 8-13-700.